

**Conservation Commission Meeting Minutes
November 19, 2014**

Member Present: Louis A. Napoli, Chairman, Douglas W. Saal, Vice Chairman, John T. Mabon, Deborah A. Feltovic.

Members Absent: Albert P. Manzi, Jr., Sean F. McDonough, Joseph W. Lynch, Jr.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:05PM Quorum Present.

Approval of Minutes of 9/24/14

- A motion to accept the meeting minutes of 9/24/14 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

Public Hearings: 7:08PM

Notice of Intent (NOI)

**242-1629, 4W High Street (RCG West Mill NA LLC) (Horsley Witten Group, Inc.)
(cont. from 11/5/14) (Request to cont. to 12/3/14)**

- Administrator states the applicant is requesting a continuance to the December 3, 2014 meeting.
- A motion to grant the request for a continuance to the December 3, 2014 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

Document:

- *E/Mail from Seth Zeren of RCG West Mill NA LLC requesting a continuance to December 3, 2014 meeting dated November 26, 2014*

**242-1627, Great Pond Road (Lots 53 & 54) (TKZ, LLC) (Christiansen & Sergi, Inc.)
(cont. from 11/5/14)**

- The applicant Thomas D. Zahoruiko of TKZ, LLC is present.
- The Administrator summarizes the review by Planning and Eggleston Environmental.
- Mr. Napoli reviews the monumentation plan. There is a discussion of stone walls and fencing.
- Mr. Napoli states he does not believe the double washed stone is necessary.
- A motion to accept the waiver request of the 25-foot No-Disturbance zone and the 50-foot No-Build zone is made by Ms. Feltovic, seconded by Mr. Saal
- Vote unanimous.

- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Christiansen & Sergi, Inc.*
- *Operation and Maintenance Plan dated September 19, 2014, revised November 12, 2014 done by Christiansen & Sergi, Inc.*
- *BMP Maintenance Plan dated November 14, 2014*
- *Site Grading Plan dated October 21, 2014, revised October 27, 2014, revised November 5, 2014, revised November 6, 2014, revised November 11, 2014 done by Christiansen & Sergi, Inc.*
- *Utility Layout Profile and Cross Section Plan revised October 21, 2014, revised October 27, 2014, revised November 11, 2014 done by Christiansen & Sergi, Inc.*

242-1633, 1160 Great Pond Road (Brooks School) (cont. from 11/5/14)

- Brian Palm of Brooks School is present.
- Administrator reviews the site visit made by Mr. Mabon and Mr. Lynch. Mr. Lynch (not present) reviewed the new submittals and is fine with the changes to the proposal.
- Mr. Mabon concurs. He reviews the changes including fabric behind the wall, a containment boom, a limit of the wall repair, phasing of project to be completed in 5 years.
- Brooks School will contract with Aquatic Control Technologies to install the turbidity curtain.
- Mr. Saal asks about the end of the wall on the east side.
- Mr. Palm states it ends in the mud.
- Mr. Napoli discusses the Chapter 91 license and confirms limit of wall will not change.
- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Waiver request to withdraw*
- *Proposal of Work Repair and Maintain Existing Conditions on Retaining Wall at Brooks School Dock dated October 24, 2014*
- *Pictures 1: Dated October 2014*
- *Picture 2: Dated October 2014*
- *Written Narrative*
- *Copy of State & Town Checks*
- *Retaining Wall Repair-Cross Section Plan dated November 17, 2014 done by Jonathan M. Longchamp Structural P. E.*
- *Work Area Sketch to Accompany Notice of Intent Brooks School Plan dated November 17, 2014 done by Whitman & Bingham Associates, LLC*

242-1631, 294 Chestnut Street (Wentzel) (Williams & Sparages, LLC) (cont. from 11/5/14)

- The applicant Keith Wentzel of 294 Chestnut Street and Greg Hochmuth of Williams & Sparages, LLC are present.
- The administrator reviews the revised planting plan submitted by the applicant.
- Mr. Hochmuth reviews the proposed variable width no-disturbance zones. He states the only item that is not being replaced in kind is the fountain which is slightly closer. The applicants also wish to reshape the fire pit. Old stones will be reused as stepping stones. The bridge will be replaced and moved and relocated to a narrower area of the stream.
- Mr. Mabon asks if all species are native.
- Mr. Hochmuth states that those that are not will be substituted.
- Mr. Napoli asks that the restoration continue along the opposite side of the stream.
- Mr. Mabon states the area could be mowed 1 x per year.
- Mr. Hochmuth asks the commission to table the matter for a few minutes for discussion with his clients.
- The matter is tabled until after the next hearing.
- A motion to accept the waiver requests for work within the 25-foot No-Disturbance zone and the 50-foot No-Build zone is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Williams & Sparages, Inc. dated November 12, 2014*
- *Landscape Plan dated July 7, 2014*
- *Plan to Accompany Notice of Intent dated October 6, 2014, revised dated November 12, 2014 done by Williams & Sparages*
- *Photo's September 11, 2014*

**242- , 50 Royal Crest Drive (AIMCO North Andover, LLC)
(Cornerstone Land Consultants, Inc. is present.**

- Ms. Feltovic reads the legal notice.
- A motion to grant the request for a continuance to December 17, 2014 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State & Local Checks*
- *Affidavit of Service*
- *Notification to Abutters Form*
- *Certified Abutter's List dated November 3, 2014*
- *Locus Map*
- *Aerial Photography*
- *USGS Maps*

- *USGS Map cont. site receiving waters of surrounding area*
- *NHESP Map*
- *FEMA Firm Map dated July 3, 2012*
- *Zoning Map dated February 20, 2001*
- *NRCS Soils Map dated August 11, 2008*
- *Site Plan dated November 6, 2014 done by Cornerstone Land Consultants, Inc.*
- *Photo's dated November 19, 2014*

242- , 50 Royal Crest Drive (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

- Ms. Feltovic reads the legal notice.
- Kenneth Lania of Cornerstone Land Consultants, Inc. presents the proposal to continue onsite drainage improvements at Royal Crest. This is year 2 of the 5-year plan. Mr. Lania states there are 6 off-site inlets that bring stormwater onto the property. The proposal is to detain stormwater before it enters the system. Adjacent to Building 14 the proposal is to construct a pond that drains to a bio-retention cell then into the G-train system.
- Mr. Mabon asks about the drainage train depicted on the plan.
- Mr. Lania states the dark lines show the new system.
- Mr. Mabon recommends third party review.
- Mr. Lania presents the Monteiro Way wetland inlet. The X-train is the most surcharged. The new system will route the water behind the garage and into the C-train. In order to mitigate the 2 and 10-year storm volume, the basin will be constructed up to the edge of the wetland although no wetland alteration. Mature trees will need to be removed but some may be saved. The depth of the bioretention is 4'.
- A planting plan would be proposed to screen Monteiro Way homes.
- Mr. Mabon asks Mr. Lania to review the inverts. Mr. Mabon summarizes that the project would convert a tree area to a cut area with basins.
- Mr. Lania states there is a benefit analysis.
- Mr. Mabon states this may change the wetland water temperature and asks about alternatives.
- Mr. Napoli states waivers are difficult.
- Abutter Rusanne Wise from 95 Hillside asks where water will be redirected to.
- Mr. Lania explains to inlet behind Building 38.
- A motion to set up escrow account in the amount of \$1,000 is made by Mr. Mabon, seconded Ms. Feltovic.
- Vote unanimous.
- A motion to grant the request a continuance to December 17, 2014 meeting is made by Mr. Saal, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State & Local Checks*

- *Affidavit of Service*
- *North Andover Conservation Commission Waiver Request Form*
- *Certified Abutter's List dated November 3, 2014*
- *Notification to Abutters Form*
- *Locus Map*
- *Aerial Photography*
- *USGS Maps Topographic Map*
- *USGS Maps receiving Waters of surrounding area*
- *NHESP Map*
- *FEMA Firm Map dated July 3, 2012*
- *Zoning Map dated February 20, 2001*
- *NRCS Soils Map dated August 11, 2008*
- *Site Plan dated May 10, 2014 done by Cornerstone Land Consultants, Inc.*
- *Photo's dated November 19, 2014*

General Business: 8:10PM

Certificate of Compliance Request

242-757, PCOC Request, 101 Sherwood Drive (Lot 12) (PAI) (SKM Title & Closing Services, P. C.)

- The administrator reviews the field inspector's recommendation to issue a PCOC for Lot 12 from the roadway Order of Conditions. The house already has a COC from DEP File #242-805.
- A motion to issue the PCOC for 101 Sherwood Drive (Lot 12) only is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from SKM Title & Closing Services, PC dated October 20, 2014*
- *WPA Form 8A-Request for Partial Certificate of Compliance*
- *Septic System Plan dated October 27, 2000*

242-273, PCOC Request, 41 North Cross Road (Lot 7) (Walker) (Dalton & Finegold, LLP)

- The administrator reviews the field inspector's recommendation to approve the PCOC releasing the lot from the roadway and utilities Order. The lot does not contain wetland resource areas, only a detention pond (on lots 7 & 8). The pond was constructed but is not being maintained. The drainage easement is recorded.
- A motion to issue the PCOC for 41 North Cross Road (Lot 7) only is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

Documents:

- *Letter from Dalton & Finegold LLP dated November 4, 2014*
- *WPA Form 8A-Request for Partial Certificate of Compliance*
- *Photo's dated November 19, 2014*

242-1531, COC Request, 315 Turnpike Street (Merrimack College) (Wetland Preservation, Inc.)

- Geoffrey C. Andrews of Wetlands Preservation, Inc. reviews the discrepancies between the proposed and as-built plans. He states the erosion control has been removed but soils are not fully stabilized. Proof of maintenance of the stormwater system is also needed.
- Ms. Feltovic states the matter should continue.
- Mr. Mabon asks about placement of the ice rink snow.
- Mr. Andrews states it is causing icing of the parking lot and is a safety issue. It is not a quick fix and will require further discussion.
- A motion to grant the request for a continuance to December 3, 2014 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Wetlands Preservation, Inc. dated November 6, 2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *North Andover Conservation Commission Order of Conditions Compliance Certification Form dated November 5, 2014 signed by Geoffrey C. Andrews of Wetland Preservation, Inc.*
- *Letter from VHB dated July 31, 2014*
- *Letter from Planning Board Site Plan Review Decision dated February 7, 2012*
- *Letter from McGill Engineering, Inc. dated April 30, 2014*
- *AIA Document G740-2000 dated June 5, 2013*
- *Letter from PRO CON Incorporate*
- *As-Built Plan of Land dated October 31, 2013*
- *Photo's November 19, 2014*

242-1428, Modification Request, Lot 4N-A Turnpike Street (One Hundred Fourteen Trust)

- The applicant Pribhu Hingorani of Trust Construction Corporation, Timothy Barlow, Builder, and Patrick C. Garner of Garner Company, Inc. are present.
- Mr. Hingorani distributes a new plan.
- Mr. Garner explains the survey error that resulted in the errors on the record plan. He explains this means Cardinal Point is wider than previously shown.
- Administrator states the NACC needs a revised sheet 7 to 20 for the file.
- Mr. Garner states he will get that plan as soon as possible.
- Mr. Napoli states the wetland line needs to be correct on the plan.
- The administrator reviews the changes to building locations.
- A motion to issue the modification requiring a new sheet 7 of 20 with corrected measurements is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote 3 to 1 (Mr. Mabon opposed)

Documents:

- *Letter from Patrick C. Garner of Garner Company, Inc. dated November 5, 2014*
- *Modified Construction Plan dated November 4, 2014, revised November 14, 2014 done by Patrick C. Garner Company, Inc.*

- *Photo's dated November 4, 2014*

Bylaw Regulation Revisions (cont. from 11/5/14)

- Administrator states the matter should continue to December 3, 2014 meeting.
- A motion to grant the request for a continuance to December 3, 2014 meeting is made by Mr. Saal, seconded by Ms. Feltovic.
- Vote unanimous.

Discussion-Old Center CR

- Administrator states the NACC should review the proposed CR and share any input.
- The Conservation Commission discusses issues of access and property maintenance.

Decisions

242-1627, Great Pond Road (Lot 53 & 54)

- The Administrator reviews the draft Order of Conditions.
- The Commission accepts the Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

242-1633, 1160 Great Pond Road

- The Administrator reviews the drafted Order of Conditions.
- The Commission accepts the Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

A motion to adjourn the meeting at: 9:15 PM is made by Ms. Feltovic, seconded by Mr. Mabon.

Vote unanimous.